

PETER N. DAVIS & ASSOCIATES

Nicholas Barone, Esq.
Attorney ID# 008721984
100 Hamilton Plaza, Suite 420
Paterson, New Jersey 07505
(973) 279-7246
Attorneys for Plaintiffs
Our File No: 207159

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANASTASIYA FERNANDEZ and
JAIME FERNANDEZ,

Plaintiffs,

UNITED STATES NATIONAL
PARK SERVICE,

Defendant.

NO.:

JURY TRIAL DEMANDED

COMPLAINT

The Plaintiffs, Anastasiya Fernandez and Jaime Fernandez, by and through the undersigned counsel, hereby brings this Complaint against the United States National Park Service and, in support thereof, states and alleges the following upon information and belief:

THE PARTIES

1. The Plaintiffs, Anastasiya Fernandez and Jaime Fernandez are residents of the State of New Jersey, residing at 252 Washington Avenue in the Township of Belleville, County of Essex, State of New Jersey.
2. The Defendant, the United Sates National Park Service, operated and maintained the property at Beach D of Sandy Hook Gateway National

Recreation Area in Sandy Hook, New Jersey.

JURISDICTION AND VENUE

3. Jurisdiction of this Court is invoked pursuant to the provisions of 28 U.S.C.A., Section 2322 by reason of a civil action wherein the United States is a party.
4. The matter in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00.
5. On October 30, 2019, the appropriate Notice of Claim was made to the Department of the Interior relative to this matter, and was acknowledged on November 14, 2019 by the United States Department of the Interior, the Office of the Solicitor.
6. The Plaintiffs have exhausted all administrative remedies prior to the filing of this lawsuit.
7. The Plaintiffs are filing this lawsuit within six months of the administrative rejection of their claim.
8. The Plaintiffs are filing this Complaint within two years from the date that this cause of action arose.
9. Venue is properly laid in this District pursuant to the provisions of 28 U.S.C.A., Section 1391.

FACTUAL BACKGROUND

10. On August 11, 2019, the Plaintiffs, Anastasiya Fernandez, and her husband, Jaime Fernandez, were social invitees at Beach D at the Sandy Hook Gateway National Recreation Area.
11. The time that this incident involving Plaintiff Anastasiya Fernandez occurred

was approximately 8:40 p.m.

12. On that date and at that time, the Plaintiff was walking from the public restrooms on the aforesaid property, and was walking back to her parked car with her husband, intending to leave the recreation area.
13. As the Plaintiff Anastasiya Fernandez approached an outdoor stairwell leading up to the parking area, she tripped and fell due to the fact that the area was improperly lit, causing this Plaintiff to miss a step and slip and fall to the ground.
14. As a result of that accident, the Plaintiff sustained an injury to her right foot, in the nature of a fifth metatarsal fracture.
15. As a result of that injury, Plaintiff underwent an open reduction and internal fixation of the right fifth metatarsal fracture involving the placement within her foot of four Synthes screws and a Synthes five-hole plate.
16. The aforesaid surgery took place on August 14, 2019.
17. Due to continuing pain from the hardware placed in her foot, the Plaintiff underwent a second surgery on November 6, 2019 for removal of that hardware.
18. As a result of this accident, and the surgeries which followed, the Plaintiff continues to experience right foot pain with numbness, swelling and stiffness which are exacerbated by extremely cold and damp weather, as well as prolonged standing and walking.

COUNT I

PLAINTIFF, ANASTASIYA FERNANDEZ V. DEFENDANT,
UNITED STATES NATIONAL PARK SERVICE

19. The Plaintiff, Anastasiya Fernandez, incorporates by reference herein the allegations contained in the previous paragraphs as above as if fully set forth at length herein.
20. The Defendant, United States National Park Service, had the legal duty to exercise reasonable care and to properly manage the aforesaid park area by making sure that proper lightening conditions existed in the aforesaid area where the incident occurred, so as to prevent reasonably foreseeable harm to patrons and the public using the park facilities.
21. Failure to properly maintain and manage the park area and the resulting damages sustained by the Plaintiff, Anastasiya Fernandez, were caused by the negligence, carelessness, breach of duty of care and negligent acts and/or omissions of the Defendant, the United States National Park Service.
22. As a direct and proximate result of the negligence of the Defendant, United States National Park Service, the Plaintiff sustained severe and permanent injuries, endured and will endure great pain and suffering has expended and will continue to expend great sums of monies in order to cure her injuries, has suffered a loss of income, and has sustained unpaid medical bills in the amount of \$4,905.00.

WHEREFORE, the Plaintiff, Anastasiya Fernandez, demands damages against the Defendant, United States National Park Service, for an amount in excess of \$500,000.00,

together with interest, costs of suit, and other such relief as this Honorable Court deems just and proper.

COUNT II

PLAINTIFF, JAIME FERNANDEZ, VS. DEFENDANT,
UNITED STATES NATIONAL PARK SERVICES

23. The Plaintiff, Jaime Fernandez, incorporates by reference herein the allegations contained in the previous paragraphs as above as if fully set forth at length herein.
24. On or about August 11, 2019, the Plaintiff, Jaime Fernandez, was and is the lawful spouse of Plaintiff, Anastasiya Fernandez.
25. As a direct and proximate result of the negligence of the Defendant, United States National Park Service, as aforesaid, the Plaintiff, Jaime Fernandez has lost the care, comfort, companionship and consortium of his spouse, the Plaintiff, Anastasiya Fernandez.

WHEREFORE, the Plaintiff, Jaime Fernandez, demands damages against the Defendant, United States National Park Service, for an amount in excess of \$500,000.00, together with interest, costs of suit, and other such relief as this Honorable Court deems just and proper.

Respectfully submitted,

PETER N. DAVIS & ASSOCIATES

BY: Nicholas Barone

—
Nicholas Barone, Esq.
100 Hamilton Plaza
Suite 420
Paterson, NJ 07505
(973) 279-7246

Fax: (973)279-1322

Email:

nbarone@peterdavislaw.com

Attorneys for Plaintiffs,
Anastasiya Fernandez and
Jaime Fernandez